IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3905 OF 2004

Rajesh Ananda Shintre & Ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr.A.P.Mundargi with Mr.Niranjan Mundargi
& Mr.N.D.Yelkar for Applicants.
Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

.....

CORAM: A.M.KHANWILKAR, J.

SEPTEMBER 22, 2004.

P.C.

. Heard Counsel for the parties. I see no reason to depart from the view taken by the Sessions Court in rejecting the anticipatory bail in respect of the present Applicants. Mr.Mundargi, however, contends that the complainant has improved upon the case from time to time, inasmuch as, though according to her, she was driven out on 24th June 2003, till the filing of Divorce Petition on

11th April 2004, no grievance was made regarding the valuables and belongings retained by the Applicants while driving out the complainant. Learned Counsel contends that in the Divorce Petition as filed, the grievance essentially was about the behaviour of the husband being whimsical and abnormal and that, he used to assault the complainant mercilessly. However, I am not inclined to accept this submission because even in the Divorce Petition as filed, in Para 3, clear grievance has been made that the parents of the applicant/Respondent demanded dowry from the father of the complainant to the tune of Rs.2,00,000/- (Rupees Two Lakhs) for the interior decoration of their newly constructed house. On fair reading of the Divorce Petition, it is seen that grievance regarding harassment and demand of dowry has been made in the Petition. Indeed, the grievance that valuables belonging to the complainant namely; 38 tolas of gold have been taken away by the in-laws, has been specifically made in the supplementary statement recorded by the Police. According to the Applicants, this statement has appeared only because of the direction issued by the lower Court

during the pendency of the anticipatory bail. There is no substance even in this grievance because as is rightly submitted by the learned A.P.P. the complaint was originally lodged at Belgaum Police Station and the same was transferred to the Vikhroli Police Station on 8th June 2004. The supplementary statements came to be recorded only when the complainant and her parents appeared in person for recording of such statements. To my mind, this is not a fit case for grant of anticipatory bail. Rejected.

A.M.KHANWILKAR, J.